

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 VICTOR TAGLE,

5 Petitioner,

6 v.

7 DEPARTMENT OF HOMELAND
8 SECURITY,

9 Respondent.
10

Case No. 2:15-cv-02506-APG-VCF

**ORDER DEEMING ORDER TO SHOW
CAUSE SATISFIED**

11 Petitioner Victor Tagle filed this action in December 2015. ECF No. 1. He represents
12 himself and was granted in forma pauperis status. ECF No. 2. After several attempts at
13 amendment, Magistrate Judge Ferenbach ordered in November 2017 that summons be issued to
14 the U.S. Marshal for service, that Tagle had 20 days to furnish the U.S. Marshal with a copy of
15 Form USM-285, and that within 20 days after receiving the USM-285 from the U.S. Marshal
16 showing whether service had been accomplished, Tagle had to notify the court about which
17 defendants were served and which were not, if any. ECF No. 36.

18 After receiving no further communication from Tagle and having orders from the court
19 returned in the mail, I ordered Tagle to show cause why this case should not be dismissed for
20 failure to comply with both LR IA 3-1 and Judge Ferenbach's order. ECF No. 45. Tagle
21 responded that around the time Judge Ferenbach entered his order, Tagle was moved to a facility
22 in Arizona. Tagle asserts that due to the move, he has not received the court's orders. In light of
23 this information, I will not dismiss the case, and I will direct the clerk of court to re-send Judge
24 Ferenbach's November 15, 2017 order (ECF No. 36) to Tagle and to re-issue the summons with
25 copies of the Second Amended Complaint to the U.S. Marshal for service. Tagle shall comply
26 with the directions in Judge Ferenbach's order (duplicated below) to accomplish service.

27 ////
28

1 IT IS THEREFORE ORDERED that the order to show cause (ECF No. 45) is deemed
2 satisfied and I will not dismiss this action at this time.

3 IT IS FURTHER ORDERED that the clerk of court shall send plaintiff Victor Tagle a
4 copy of Judge Ferenbach's November 15, 2018 order (ECF No. 36).

5 IT IS FURTHER ORDERED that the Clerk of the Court shall issue summons to the
6 named defendant(s) and deliver same with copies of the Second Amended Complaint (ECF No.
7 35) to the U.S. Marshal for service. Plaintiff shall have 20 days in which to furnish to the U.S.
8 Marshal the required Forms USM285. Within 20 days after receiving from the U.S. Marshal a
9 copy of the Form USM-285 showing whether service has been accomplished, plaintiff must file a
10 notice with the Court identifying which defendants were served and which were not served, if
11 any. If plaintiff wishes to have service again attempted on an unserved defendant(s), then a
12 motion must be filed with the Court identifying the unserved defendant(s) and specifying a more
13 detailed name and/or address for said defendant(s), or whether some other manner of service
14 should be attempted. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service must
15 be accomplished within 90 days from the date that the Complaint was filed.

16 IT IS FURTHER ORDERED that henceforth plaintiff shall serve upon defendants or, if
17 appearance has been entered by counsel, upon the attorney(s), a copy of every pleading, motion
18 or other document submitted for consideration by the court. Plaintiff shall include with the
19 original paper submitted for filing a certificate stating the date that a true and correct copy of the
20 document was mailed to the defendants or counsel for the defendants. The court may disregard
21 any paper received by a district judge or magistrate judge which has not been filed with the Clerk,
22 and any paper received by a district judge, magistrate judge or the Clerk which fails to include a
23 certificate of service.

24 DATED this 24th day of April, 2018.

25
26 
27 ANDREW P. GORDON
28 UNITED STATES DISTRICT JUDGE